EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

AGENDA

33rd Meeting, 2009 (Session 3)

Wednesday 9 December 2009

The Committee will meet at 10.00 am in Committee Room 4.

1. Decision on taking business in private: The Committee will decide whether to take item 4 in private.

2. Broadcasting in Scotland: The Committee will take evidence from—
   
   Stuart Cosgrove, Head of Nations and Regions, Channel 4;
   
   and then from—
   
   Chris Woolard, Partner, External Affairs and Governance, Vicki Nash, Director, Ofcom Scotland, Joyce Taylor, Member, Ofcom Content Board for Scotland, and Thomas Prag, Member, Ofcom Advisory Committee for Scotland, Ofcom.

3. Petitions: The Committee will consider the following petitions—
   
   PE853 by Mr Ken Venters, on the closure of special needs schools;
   
   PE872 by Mr Alexander Longmuir, on the closure of rural schools;
   
   PE1213 by Mrs Annette Masson, on Autistic Spectrum Disorder.

4. Proposed Children’s Hearings (Scotland) Bill - appointment of adviser: The Committee will consider a list of candidates for the post of adviser.
The papers for this meeting are as follows—

**Agenda item 2**

Paper by the Clerk  
ELLC/S3/09/33/1

**Agenda item 3**

Paper by the Clerk  
ELLC/S3/09/33/2

**Agenda 4**

Paper by the Clerk  
ELLC/S3/09/33/3  
(P)
Introduction

1. The evidence sessions with Channel 4 and Ofcom on 9 December 2009 are part of a number of sessions that the Education, Lifelong Learning and Culture Committee has held relating to broadcasting in Scotland. This paper updates members on the background context to these evidence sessions.

Background

Scottish Broadcasting Commission

2. The Scottish Broadcasting Commission (SBC) was established by the First Minister to conduct an independent investigation into the current state of television production and broadcasting in Scotland and define a strategic way forward for the industry. This was also to take account of the “economic, cultural and democratic importance of broadcasting to a modern, outward looking Scotland and its creative industries”.

3. The SBC published its final report *Platform for success* on 8 September 2008. The report made a number of recommendations, including three which fall to the Scottish Parliament and Scottish Government. The report recommended that:

- the Scottish Parliament takes an active role in considering the broadcasting industry and services audiences in Scotland receive, in order to provide a visible and public forum for debate (page 53);
- Scottish Ministers should have greater responsibility, within the UK framework, for those operational functions of broadcasting directly affecting Scotland (page 53); and

4. The SBC gave evidence to the Committee at a number of points during its work, including at the Committee’s meeting on 24 September 2008 following the publication of its final report.

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1. Scottish Broadcasting Commission. Available at: [http://www.scottishbroadcastingcommission.gov.uk/about](http://www.scottishbroadcastingcommission.gov.uk/about)
Ofcom’s second public service broadcasting review

5. Ofcom is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services.

6. Ofcom is obliged to review Public Service Broadcasting (PSB) at least once every five years and make recommendations about how to maintain and strengthen it. On 10 April 2008, Ofcom published its consultation document *Ofcom’s Second Public Service Broadcasting Review – Phase One: The Digital Opportunity*², which included a section on “scenarios for Scotland”. Ofcom Scotland gave evidence to the Committee on its review at its meeting on 11 June 2008.

7. The recommendations of the review were published on 21 January 2009.⁶ Of particular interest to the Committee are the recommendations:

- to plan how to ensure the supply of high quality news alongside the BBC in the devolved nations; and
- Government should consider […] the case for specific approaches in each of the devolved nations for the delivery of public service content other than news.

8. The Committee took evidence from Ofcom Scotland on the review at its meeting on 11 June 2008.⁷

Evidence session with the BBC

9. The Committee took evidence on the issue of broadcasting in Scotland from Mark Thompson, Director-General of the BBC, Ken MacQuarrie, Director, and Donalda MacKinnon, Head of Programmes and Services, BBC Scotland, at its meeting on 17 June 2009.⁸

Nick Hawthorne
Senior Assistant Clerk
Education, Lifelong Learning and Culture Committee

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Petitions

Background

1. The Committee currently has three open petitions which have been referred to it by the Public Petitions Committee. The Committee has completed all agreed work on each petition.

2. The purpose of this paper is to support the Committee’s consideration of the next steps it wishes to take on these petitions.

PE853

Background

3. Petition PE853 was lodged on 4 May 2005 by Ken Venters, on behalf of the Carronhill Action Team.

4. The petition calls on the Scottish Parliament to:

   “… to urge the Scottish Executive to introduce legislation requiring all proposals which relate to the closure or alteration of facilities and services for children with special needs to be referred to it and, in the case of such proposals, requiring detailed consultation with parents of affected children and to implement a moratorium preventing the closure of special needs schools until such legislation is in place.”

5. The petition was first considered by the previous Education Committee on 1 March 2006. Since then, the petition has been considered on a number of occasions, both by the previous committee and by the current Committee. A number of actions have been taken, including:

   • seeking the views of the former Scottish Executive
   • taking oral evidence from the petitioner
   • receiving written evidence from COSLA and the Accounts Commission
   • seeking the views of the current Scottish Government.

6. The petition was last considered by the Committee at its meeting on 21 November 2007. At that meeting the Committee agreed to keep the petition open:

   “... with a view to monitoring the situation and ensuring that the cabinet secretary follows through on the strong commitment that she gave in her letter to the Committee, in which she said that she intends to

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consult on the matter and to legislate. The Committee should monitor the situation closely and return to the issue if the commitment is not followed through."\(^2\)

**Schools (Consultation) (Scotland) Bill**

7. The Committee was recently the lead committee for Stage 1 and Stage 2 scrutiny of the Scottish Government’s Schools (Consultation) (Scotland) Bill.\(^3\) The Bill was passed by the Parliament following Stage 3 proceedings on 19 November 2009.

8. The Bill makes provision for the establishment of a specific consultation process which local authorities would need to follow in relation to various proposals relating to schools, including school closure, relocation and changes to catchment areas. The Bill also sets out consultation procedures that local authorities would be required to follow in respect of proposals to vary the arrangements of special classes in schools other than special schools.

9. The Bill also sets out the way in which local authorities would report on any proposals, how such proposals could be challenged, and the criteria by which the Scottish Government could call-in a decision.

10. Whilst the Bill does not specifically make proposals of closure or other changes to a special school, or a special class within a school, a matter of automatic referral to Scottish Ministers, it does establish a detailed consultation process and criteria for ministerial call-in.

**Recommendation**

11. The petition has been open for over four years, and was last considered by the Committee in 2007. Given that the Scottish Government’s Schools (Consultation) (Scotland) Bill was recently considered by the Committee at Stage 1 and 2, and passed by the Parliament at Stage 3, and that the Bill establishes a specific consultation process and criteria for Scottish Government call-in, it is recommended that the Committee now closes this petition.

**Petition PE 872**

**Background**

12. Petition PE 872 was lodged on 21 May 2005 by Alexander Longmuir, on behalf of the Carronhill Action Team.

13. The petition calls on the Scottish Parliament to:

    “… urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable


\(^3\) Schools (Consultation) (Scotland) Bill. Available at: [http://www.scottish.parliament.uk/s3/bills/23-Schools/index.htm](http://www.scottish.parliament.uk/s3/bills/23-Schools/index.htm)
educational and social benefit to the children and communities affected."

14. The petition was first considered by the previous Education Committee on 28 June 2005. Since then, the petition has been considered on a number of occasions, both by the previous committee and by the current Committee. A number of actions have been taken, including:

- Taking evidence from the petitioner
- Seeking the views of the previous Scottish Executive
- Receiving evidence from COSLA and the Accounts Commission
- Seeking the views of the current Scottish Government.

15. The petition was last considered by the Committee at its meeting on 21 November 2007 and details of the Committee’s decision on this petition are detailed above, in paragraph 6.

Schools (Consultation) (Scotland) Bill

16. As detailed in paragraphs 7 to 10 above, the Scottish Government’s Schools (Consultation) (Scotland) Bill appears to address many of the concerns expressed by the petitioner. The Bill includes specific provisions in respect of rural schools. The petitioner was one of the leading consultees on the development of the Bill and gave evidence to the Committee during Stage 1, when he expressed his support for the provisions detailed in the Bill.

Recommendation

17. The petition has been open for over four years, and was last considered by the Committee in 2007. Given that the Scottish Government’s Schools (Consultation) (Scotland) Bill was recently considered by the Committee at Stage 1 and 2, and passed by the Parliament at Stage 3, and that the Bill establishes a specific consultation process, with specific provision for rural schools, and criteria for Scottish Government call-in, it is recommended that the Committee now closes the petition.

Petition PE 1213

Background

18. Petition PE 1213 was lodged on 20 November 2008 by Mrs Annette Masson. The petition called on the Scottish Parliament to:

"... urge the Scottish Government to review the current assessment, diagnosis and appeals procedures for Autistic Spectrum Disorder (ASD) to ensure that these fully meet the needs of children and to consider whether all the support that is necessary within the education system is in place to support children diagnosed with ASD."

19. The Committee first considered the petition at its meeting on 21 January 2009 and agreed to keep the petition open and return to it following the Parliament’s scrutiny of the Scottish Government’s Education (Additional Support for Learning) (Scotland) Bill and the passage of the UK Equalities Bill.
20. Following the passing of the Education (Additional Support for Learning) (Scotland) Bill by the Parliament, the Committee again considered the petition and wrote to the Minister for Children and Early Years to seek his views on the issues raised in the petition.

21. The Committee received a response from the Minister and agreed to hold two evidence sessions on the subject of autism in education.

22. The first of these sessions, a roundtable discussion with various stakeholders, was held on 25 November 2009. This was followed by an evidence session with the Minister for Children and Early Years on 2 December 2009.

Next steps
23. The Committee has now completed its agreed work on PE1213 and related autism issues and is now asked to agree it next steps.

24. The Committee may wish to agree to close the petition, but continue monitoring the situation with regard to autism in education.

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